

## **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing of the Claims:**

1. (currently amended) A tea beverage comprising:
  - a) water;
  - b) a polyprotic antimicrobial agent having a  $pK_{a1}$  of less than about 2.6 and a  $pK_{a2}$  of less than about 3 or greater than about 6, or both; and
  - c) at least about 0.01% by weight tea solids

wherein the beverage is substantially free of citric acid and the polyprotic antimicrobial agent is ~~phosphoric acid or~~ a hydrochloride of glycine, alanine, valine, ~~leucine~~, isoleucine, phenylalanine, asparagine, glutamine, tryptophan, serine, tyrosine, hydroxyproline, cysteine, proline or mixtures thereof.

2-4 (cancelled)

5. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.

6. (currently amended) The beverage according to claim 1 wherein the beverage comprises a dairy source, fruit flavor, vegetable, cocoa, coffee, ~~tea~~ or a mixture thereof.

7. (previously presented) The beverage according to claim 1 wherein the beverage is tea-containing and comprises at least about 0.01% to about 1.5% by weight tea solids.
8. (original) The beverage according to claim 1 wherein the beverage is tea-containing and comprises from about 0.14% to about 0.40% by weight tea solids.
9. (original) The beverage according to claim 1 wherein the beverage is made from a precursor which is a high solid content tea-containing liquid.
10. (original) The beverage according to claim 1 wherein the beverage is not sweetened.
11. (original) The beverage according to claim 1 wherein the beverage is not carbonated.
12. (original) The beverage according to claim 1 wherein the beverage has a pH from about 2.75 to about 5.0.
13. (original) The beverage according to claim 1 wherein the beverage is thermally treated from about 80°C to about 95°C.
14. (original) The beverage according to claim 1 wherein the beverage is packaged in a glass bottle, plastic bottle, can or Tetra Pak package.
15. (cancelled)

16. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.

17. (currently amended) A method for making a microbiologically stable tea beverage comprising, in no particular order, the steps of:

- a) mixing a beverage precursor with water and acidulant to produce a mixture;  
and
- b) thermally treating the mixture at a temperature from about 80°C to about 95°C to produce the microbiologically stable beverage

wherein the acidulant is ~~monoprotic and has a pKa of less than about 2.6, or is~~ polyprotic and has a pKa<sub>1</sub> of less than about 2.6 or a pKa<sub>2</sub> of less than about 3 or greater than about 6 and the beverage ~~is tea-containing with~~ comprises at least about 0.01% by weight tea solids further wherein the acidulant is ~~phosphoric acid or a~~ hydrochloride of glycine, alanine, valine, ~~leucine,~~ isoleucine, phenylalanine, asparagine, glutamine, tryptophan, serine, tyrosine, hydroxyproline, cysteine, proline or mixtures thereof.

18. (previously presented) The method according to claim 17 wherein the beverage is a tea-containing beverage that comprises from about 0.01 to about 1.5% by weight tea solids.

19. (cancelled)

20. (original) The method according to claim 17 wherein the beverage comprises less than about 0.0030% by weight citric acid.

21. (new) The beverage according to claim 1 wherein the polyprotic antimicrobial agent comprises a hydrochloride of phenylalanine, asparagine, glutamine, or a mixture thereof.

22. (new) The method according to claim 17 wherein the polyprotic antimicrobial agent comprises a hydrochloride of phenylalanine, asparagine, glutamine, or a mixture thereof.